

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49023

STATE OF IDAHO, )  
 ) Filed: May 26, 2022  
 Plaintiff-Respondent, )  
 ) Melanie Gagnepain, Clerk  
 v. )  
 ) THIS IS AN UNPUBLISHED  
 ROBERT JAMES GILMAN, JR., ) OPINION AND SHALL NOT  
 ) BE CITED AS AUTHORITY  
 Defendant-Appellant. )  
 )

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Samuel Hoagland, District Judge.

Judgment of conviction and determinate sentence of five years for aggravated assault and consecutive indeterminate sentence of five years for preparing false evidence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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Before LORELLO, Chief Judge; GRATTON, Judge;  
and HUSKEY, Judge

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PER CURIAM

Robert James Gilman, Jr. pled guilty to an amended charge of aggravated assault. I.C. § 18-905(b). In exchange for his guilty plea, an additional charge was dismissed. Gilman was also found guilty by a jury of preparing false evidence. I.C. § 18-2602. The district court sentenced Gilman to a determinate term of five years for aggravated assault and a consecutive

indeterminate term of five years for preparing false evidence. Gilman appeals, arguing that his sentences are excessive.<sup>1</sup>

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Our role is limited to determining whether reasonable minds could reach the same conclusion as the district court. *State v. Biggs*, 168 Idaho 112, 116, 480 P.3d 150, 154 (Ct. App. 2020). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Gilman's judgment of conviction and sentences are affirmed.

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<sup>1</sup> Gilman was also found guilty of battery and sentenced to 180 days in jail. However, he does not challenge this judgment of conviction or sentence.